

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ROBERT SCATURRO)	
)	
Plaintiff,)	
vs.)	No.: 3:18-cv-1490
)	
NATIONWIDE MUTUAL INSURANCE CO.)	
)	
Defendant.)	

**NOTICE OF REMOVAL TO FEDERAL COURT BASED
ON DIVERSITY JURISDICTION**

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant, Nationwide Mutual Insurance Company (“Nationwide”), by and through its attorneys, SMITHAMUNDSEN LLC, hereby submits this Notice of Removal to the United States District Court for the Southern District of Illinois of the above-styled action, pending in the Circuit Court of Madison County, Illinois, as Case No. 18-L-727. In support of this petition and as grounds for removal, Nationwide states as follows:

1. On June 11, 2018, Plaintiff Robert Scaturro filed a Complaint styled *Robert Scaturro v. Nationwide Mutual Insurance Company*, Civil Action No. 18-L-727, in the Madison County Circuit Court. Scaturro’s Complaint asserts that Nationwide owes Plaintiff \$250,000 in business income loss coverage, \$250,000 in business personal property damages and Section 155 penalties. (Compl., p.2-3).

2. A copy of Plaintiff’s Complaint and Summons were served on Defendant Nationwide, on July 16, 2018. Copies of all process and pleadings are attached hereto as “Exhibit A”. See 28 U.S.C. §1446(a).

3. This Notice of Removal is being filed within thirty (30) days after receipt by Defendant of a copy of the Complaint and is, therefore, timely filed under 28 U.S.C. §1446(b). No further state court proceedings in this litigation have taken place as of the date of this Notice of Removal.

4. The amount in controversy in this case exceeds \$75,000.00 jurisdictional requirement. Plaintiff seeks over \$500,000.00 in damages against Nationwide, creating a dispute in excess of \$75,000.00.

5. Plaintiff, Robert Scaturro, currently resides at 4140 Pontoon Road, Pontoon Beach, Illinois. (Complt.p. 1 ¶1). Based on the information provided, Plaintiff is a citizen of the State of Illinois. *Mader v. Motorola, Inc.*, No. 98-3040, 175 F.3d 1020, 1020 (7th Cir. 1999); *Galva Foundry Co. v. Heiden*, 924 F.2d 729, 730 (7th Cir.1991).

6. Nationwide is an insurance company which has at all times herein mentioned been incorporated under the laws of Ohio, having its principle place of business in the State of Ohio, and therefore, for diversity purposes, is a citizen of the State of Ohio.

7. Plaintiff's action may be removed to this Court pursuant to 28 U.S.C §1441 because, as set forth above, this Court has original diversity jurisdiction over this action pursuant to 28 U.S.C. § 1332 and this Court is the district and division embracing the place where the action is pending. *See* 28 U.S.C §1441(a).

8. A Copy of this Notice of Removal has been sent to Plaintiff and is being filed in the Circuit Court of Madison County, Illinois to effect removal of the action to the United States District Court, pursuant to 28 U.S.C §1446(d).

WHEREFORE, Defendant, Nationwide Mutual Insurance Company, gives notice that the above entitled action be removed and transferred from the Circuit Court of Madison County, Illinois to the United States District Court for the Southern District of Illinois.

Respectfully Submitted,

By: /s/ Sulema Medrano
Counsel for Defendant,
Nationwide Mutual Ins. Co.

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